

Remarks:

Claims 1, 6, 8-18, 21 and 24-26 are pending. No claim is amended. Reconsideration of the claims is requested.

Claim rejections under 35 U.S.C. § 102(e). Claims 1, 6, 8-18, 21 and 24-26 stand rejected as allegedly being anticipated by Hosted et al. (US 2004/0101832 or USP 6,861,513).

Applicants provided a Declaration under 37 C.F.R. § 1.131 in the Amendment and Response filed on September 29, 2005. The declaration established that the claimed invention was invented before January 12, 2000. The Examiner stated that the declaration was not sufficient to overcome the rejection because it was not signed by all inventors.

Applicants herein submit a declaration under 37 C.F.R. § 1.131 by all of the inventors-Thomas Hosted, Jr. and Ann C. Horan (Hosted/Horan Declaration). The Hosted/Horan Declaration is otherwise essentially the same as the Hosted Declaration filed with the previous response.

As stated in the previous response, Applicants submit that the rejection should be withdrawn because Hosted et al. is not a prior art reference with respect to the instant application. The *Xis* gene sequence (SEQ ID NO: 2) and the *M. carbonacea* attP/attB region (SEQ ID NO: 6) were discovered before the January 12, 2000 priority date of the cited references. As evidence of this point, enclosed is the Hosted/Horan Declaration under 37 C.F.R. § 1.131. The Declaration is by co-inventors Thomas J. Hosted, Jr. and Ann C. Horan (Hosted/Horan Declaration, ¶1). The Declaration states that the claimed invention was invented before the January 12, 2000 priority date of the cited references (Hosted/Horan Declaration, ¶1 & ¶3). Exhibits A and B are copies of pages from co-inventor Hosted's laboratory notebook

(Hosted/Horan Declaration, ¶2 & ¶4). The notebook pages show the sequences of the *Xis* gene and the *M. carbonacea* *attP/attB* region that were discovered (Hosted/Horan Declaration, ¶2 & ¶4).

Since the subject matter to which the claims are directed was invented before the priority date of the Hosted et al. references, withdrawal of the claim rejection is respectfully requested.

Conclusion

The claims are in condition for allowance. Such action is earnestly solicited.

Respectfully submitted,

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Date


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